

**Case No. CIV-05-328-F**

2. The attorney for the Tribe taking the lead role in preparing the brief suffered a computer failure on September 23, 2008 which caused loss of data on the hard drive. He is endeavoring to retrieve it, but the inevitable delay occasioned by the equipment failure compels

the Tribe to seek several additional days within which to reply.

3. Defense counsel have kindly indicated consent to the granting of this request, which should not delay the hearing now scheduled for October 1, 2008, or otherwise impair the administration of justice. A proposed Order is submitted by email in accordance with local practice.

WHEREFORE, the Fort Sill Apache Tribe of Oklahoma respectfully requests that this Court grant leave to reply to the Government's Opposition on or before September 26, 2008.

Respectfully submitted this 23<sup>rd</sup> day of September, 2008.

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### **CERTIFICATE OF SERVICE**

I hereby certify that on September 23, 2008 I caused the foregoing Motion to be submitted by electronic means to the Clerk of Court using the ECF system for filing, thereby serving the ECF registrants who have entered an appearance:

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